

FACTSHEET
Kimberly Clark Worldwide, Inc.
Permit Number WA 000062-1
NPDES Revisions to Permit per Settlement

On December 24, 2003, Washington Department of Ecology issued a National Pollutant Discharge Elimination System (NPDES) permit (WA 000062-1) to Kimberly Clark Worldwide, Inc. On January 22, 2004 the Washington Toxics Coalition, People for Puget Sound, and WASHPIRG appealed the permit. On January 28, 2003 Kimberly Clark Worldwide, Inc. appealed the permit. On March 29, 2004 the Pollution Control Hearing Board executed an Order of Intervention for the Northwest Pulp and Paper Association and for the Puget Soundkeeper Alliance, intervenors.

This current action on the permit modifies the permit issued on December 24, 2003, in accordance with the agreement among the appealing parties.

The NPDES Permit No. WA 000062-1 issued on December 24, 2003 is modified as follows:

1. **Title page** – the reference to Outfall 001 is deleted.
2. **Summary of Permit Report Submittals** – add annual furan reports from S16 (page 5 of the current permit) as follows:

Permit Section	Submittal	Frequency	First Submittal Date
S16	Study Report	Annually during compliance schedule	December 15, 2004

3. **Section S1.A** – the reference to Outfall 001 is be deleted in footnote d (page 6 of the current permit).
4. **Section S1.A** – regarding AOX (page 6 of the current permit)
The second sentence of footnote e of condition S1.B is revised to read:

The permittee shall use the total effluent flow from the date of sampling when calculating the mass of AOX, to which the maximum daily effluent limitation applies. If the permittee has continued to meet the limit through December 2005, the frequency of sampling shall be monthly thereafter. However, if Daily Monitoring Report data (subject to any confirmational sampling data included with the DMRs) indicate that the AOX limit has been exceeded at any time during the permit term, the frequency of AOX sampling shall be weekly for the remainder of the permit term.

5. **Section S1.B** – regarding netting of furans (page 7 of the current permit)
Footnote 2 is revised to read as follows:

During the months of May through October, through October 31, 2006, compliance with the effluent limitation for bleach plant effluent 2,3,7,8-TCDF concentration shall be determined by netting out (subtracting) the 2,3,7,8-TCDF concentration in the City of Everett industrial water supply at the Permittee's fresh water intake, from the 2,3,7,8-TCDF concentration in the bleach plant effluent, provided that these concentrations are derived from samples taken on the same date. During the months of November through April and during all months after October 31, 2006, compliance with this effluent limitation will be based on the 2,3,7,8-TCDF concentration in the bleach plant effluent with no netting. See Special condition S16 for the compliance schedule relating to this effluent limitation.

6. Section S1.C - regarding Mixing Zone Descriptions and Dilution Factors
(page 7 of the current permit)

Condition S1.C is revised as follows, with Ecology's determination of the dilution factors and any other non-PBTs to be added based on the mixing zone study prior to issuance of the proposed permit modification:

The size and dilution factor are given for outfall 100 (as determined under Special condition S13 below). A dilution zone is established under this permit for dissolved oxygen, temperature, turbidity, fecal coliform, ammonia, copper, zinc and WET.

Outfall #	Acute mixing zone		Chronic mixing zone	
	Distance from diffuser	Dilution Factor	Distance from diffuser	Dilution Factor
100	55 ft	156	550 ft	696

7. Section S2.A – sampling frequency for AOX (page 8 of the current permit) needs to be consistent with S1.A above:

Add note or footnote on “Weekly” to “see footnote e of condition S1.A”

8. Section S2.A – regarding raw water intake line monitoring (pages 9 and 10 of the current permit)

The monitoring schedule for raw water (last line of page 9 of the current permit) is changed from “Quarterly” to “Monthly” with a reference to footnote 5.

Footnote 5 (on page 10 of the current permit) is revised to read as follows:

Raw water 2,3,7,8-TCDF sampling shall be conducted during the months of May through October for the duration of the compliance schedule on the same day as bleach plant effluent 2,3,7,8-TCDF sampling.

9. Section S2.B - regarding Sampling Methods (on page 11 of the current permit)

The conclusion of condition S2.B is revised to read as follows:

...unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department); provided that such otherwise approved analytical method is the equivalent of that found in the guidance cited in this section, or will result in more accurate and representative analytical results, or will have a lower detection limit.

10. **Section S8** – regarding WET Testing (pages 17-18 of the current permit)

Paragraph 1 of Condition S8.A (page 17 of the current permit) is revised to read:

The Permittee shall conduct acute toxicity testing on the final effluent to determine the presence and amount of acute (lethal) toxicity. Testing shall begin within 180 days after the combined deep water outfall 100 is placed in service. The Permittee will start the effluent characterizations required by this condition at the earliest possible time. The final acute toxicity report shall be submitted to Ecology within one year of starting the sampling program. The two acute toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

The second-to-last paragraph in condition S8.B (currently on page 18) is deleted.

11. **Section S9** – regarding WET Testing (page 21 of the current permit)

Paragraph 1 of Condition S9.A (on page 21 of the current permit) is revised to read:

The Permittee shall conduct chronic toxicity testing on the final effluent. The three chronic toxicity tests listed below shall be conducted on each sample taken for effluent characterization. Testing shall begin within 180 days after the combined deep water outfall has been placed in service. The Permittee will start the effluent characterizations required by this condition at the earliest possible time. The CCEC shall be determined within 180 day following the completion of Outfall 100.

12. **Section S15** – the reference to Outfall 001 is deleted (page 28 of the current permit).

13. **Section S16** – regarding Furan Compliance Schedule (insert prior to General Conditions, page 28 of the current permit)

A new Special condition is added to the permit as follows:

S16 COMPLIANCE SCHEDULE FOR 2,3,7,8, TCDF

- A. The Permittee is subject to a compliance schedule to assure compliance with the bleach plant effluent 2,3,7,8-TCDF effluent limitation. During the months of May through October, until the end of the compliance schedule on October 31, 2006, compliance with this effluent limitation may be determined with consideration of netting as described in footnote 2 to Special condition S1.B.
- B. Not later than December 15, 2004, the Permittee shall submit for the Department's review and approval an interim study report. This report shall describe all actions and sampling taken in 2004 with respect to control of

2,3,7,8-TCDF concentrations in bleach plant effluent and the City of Everett industrial water supply. The report shall also set forth additional actions, including any capital improvements or major system modifications to the Permittee's facilities and/or to the City of Everett water supply system, proposed to reliably achieve the effluent limitation without netting. The report shall also include a schedule for such actions as well as a schedule for monitoring to assist in determining the causes of and/or means to address elevated bleach plant 2,3,7,8-TCDF concentrations. The report may include contingency plans. The Permittee shall implement the actions and monitoring as approved by the Department.

- C. Not later than December 15, 2005, the Permittee shall submit for the Department's review and approval an interim study report. This report shall describe all actions and sampling taken in 2005 with respect to control of 2,3,7,8-TCDF concentrations in bleach plant effluent and the City of Everett industrial water supply; state whether each of the action and monitoring items included in the approved December 15, 2004 report have been implemented; and state whether the Permittee is in full compliance with the requirements of this condition. The report shall also set forth additional actions, including any capital improvements or major system modifications to the Permittee's facilities and/or to the City of Everett water supply system, proposed to reliably achieve the effluent limitation without netting. The report shall also include a schedule for such actions as well as a schedule for monitoring to assist in determining the causes of and/or means to address elevated bleach plant 2,3,7,8-TCDF concentrations. The report may include contingency plans. The Permittee shall implement the actions and monitoring as approved by the Department.
- D. Not later than December 15, 2006, the Permittee shall submit to Ecology a final report describing all actions and sampling taken in 2006 with respect to control of 2,3,7,8-TCDF concentrations in bleach plant effluent and the City of Everett industrial water supply; stating whether each of the action and monitoring items included in the approved December 15, 2005 report have been implemented; and state whether the Permittee complied with the requirements of this condition and whether the Permittee is in compliance with the 2,3,7,8-TCDF effluent limitation in Special condition S1.A.

S1C, S8, and S9 WET testing and dilution ratio

The ACEC and the CCEC were defined in the modification of the permit to be 0.64 % and 0.14 %, respectively. The approved dilution ratios are 156:1 (Acute) and 696:1 (Chronic).

Reasonable potential

Since the dilution ratios are larger for outfall 100 than they were for any of the old outfalls (001, 003, and 008), the reasonable potential analysis performed in writing the factsheet of the permit issued on December 24, 2003 is more conservative after considering the Cities of Everett and Marysville's discharges.

Attachment 1

Public Notice

The Department has tentatively determined to reissue a permit to the applicant listed on page 1 of this fact sheet, in accordance with the settlement agreement described above. We are accepting public comments only on the parts of the permit that are to be modified as a result of the settlement agreement.

The Department will publish a Public Notice of Draft (PNOD) on October 6, 2004 in the Everett Herald to inform the public that a draft permit and a fact sheet are available for their review. Interested persons are invited to submit written comments regarding the draft permit. The draft permit, fact sheet, and related documents are available for inspection and copying between the hours of 8:00 a.m. and 5:00 p.m. weekdays, by appointment, at the Department's headquarters building, located at 300 Desmond Drive, in Lacey.

Written comments should be mailed to:

Don Nelson
Industrial Section
Department of Ecology
P. O. Box 47706
Olympia, WA 98504-7706

Any interested party may comment on the draft permit or request a public hearing on this draft permit within the thirty (30) day comment period to the address above. The request for a hearing shall indicate the interest of the party and reasons why the hearing is warranted. The Department will hold a hearing if it determines there is a significant public interest in the draft permit (WAC 173-220-090). Public notice regarding any hearing will be circulated at least thirty (30) days in advance of the hearing. People expressing an interest in this permit will be mailed an individual notice of hearing (WAC 173-220-100).

Comments should reference specific text, followed by a proposed modification or concern. Such comments may address technical issues, accuracy and completeness of information, the scope of the facility's proposed coverage, adequacy of environmental protection, permit conditions, or any other concern that would result from issuance of this permit.

The Department will consider all comments that it receives within thirty (30) days from the date of public notice of draft (indicated above) in formulating a final determination to issue, revise, or deny the permit. The Department's response to all significant comments is available upon request and will be mailed directly to people expressing an interest in this permit.

Further information may be obtained from the Department by phoning Don Nelson, (360) 407-6940, or by writing to the address listed above.

FACT SHEET ADDENDUM
Kimberly Clark Worldwide, Inc.
Permit Number WA 000062-1
NPDES Revisions to Permit per Settlement

Permit Modification Background

The Washington State Department of Ecology (Ecology) issued Kimberly Clark Worldwide, Inc. (K-C) a National Pollutant Discharge Elimination System (NPDES) permit renewal (WA 000062-1) on December 24, 2003. Ecology also issued an administrative order to K-C on December 24, 2003 (Order No. DE 03WQIS-5922) to undertake a program for addressing actions needed to assure compliance with the regulatory effluent limitation on 2,3,7,8-TCDF (furans). K-C had previously initiated a furan source identification and control program.

On January 22, 2004 the Washington Toxics Coalition, People for Puget Sound, and WashPIRG appealed the permit. On January 28, 2003 Kimberly Clark Worldwide, Inc. appealed the permit. On March 29, 2004 the Pollution Control Hearing Board allowed the Northwest Pulp and Paper Association and the Puget Soundkeeper Alliance to join the appeal as intervenors.

On July 30, 2004, the parties to the appeal reached a settlement of all issues; they filed the settlement with the Pollution Control Hearings Board. On August 18, 2003, the Pollution Control Hearings Board issued an order that acknowledged the settlement and dismissed the appeal. In the settlement, the parties agreed that Ecology should issue a permit modification to implement the settlement terms.

This current action on the permit will modify the permit issued on December 24, 2003 in accordance with the agreement among the appealing parties on all issues raised in the appeal. When the permit modification becomes final, Ecology will vacate the order issued to K-C because the terms of the order will then be included as a compliance schedule in the permit.

Specific Revisions to the Permit

The NPDES Permit No. WA 000062-1 issued on December 24, 2003 is proposed to be modified as follows, and the reason for each revision is noted in italics:

1. **Title page** – the reference to Outfall 001 is deleted.

Outfall 001 no longer exists.

2. **Summary of Permit Report Submittals** – add annual furan reports from S16 (page 5 of the current permit) as follows below:

Section	Submittal	Frequency	First Submittal Date
S16.	Study Report	Annually during compliance schedule	December15, 2004

This table lists all of the report submittals required in the permit. Additional annual reporting on furan compliance is required by S16, thus it's added to this permit table.

3. **Section S1.A** – the reference to Outfall 001 is to be deleted in footnote d (page 6 of the current permit).

Outfall 001 no longer exists

4. **Section S1.A** – regarding AOX (page 6 of the current permit)

The second sentence of footnote e of condition S1.B is revised to read:

The permittee shall use the total effluent flow from the date of sampling when calculating the mass of AOX, to which the maximum daily effluent limitation applies. If the permittee has continued to meet the limit through December 2005, the frequency of sampling shall be monthly thereafter. However, if Daily Monitoring Report data (subject to any confirmational sampling data included with the DMRs) indicate that the AOX limit has been exceeded at any time during the permit term, the frequency of AOX sampling shall be weekly for the remainder of the permit term.

The revision corrects the method of calculating compliance with the AOX effluent limitation, which was incorrectly stated in the original permit. In addition, weekly sampling is required for the first two years of the permit term, and monthly thereafter, for as long as the permittee continues to meet the permit limit.

5. **Section S1.B** – regarding netting of furans (page 7 of the current permit)

Footnote 2 is revised to read as follows:

During the months of May through October, through October 31, 2006, compliance with the effluent limitation for bleach plant effluent 2,3,7,8-TCDF concentration shall be determined by netting out (subtracting) the 2,3,7,8-TCDF concentration in the City of Everett industrial water supply at the Permittee's fresh water intake from the 2,3,7,8-TCDF concentration in the bleach plant effluent, provided that these concentrations are derived from samples taken on the same date. During the months of November through April and during all months after October 31, 2006, compliance with this effluent limitation will be based on the 2,3,7,8-TCDF concentration in the bleach plant effluent with no netting. See Special condition S16 for the compliance schedule relating to this effluent limitation.

The original permit allowed K-C to subtract the incoming concentrations of furans in the City water supply for 42 months, while K-C undertook actions pursuant to Administrative Order No. DE 03WQIS-5922 to meet the regulatory discharge limit for furan discharge. The proposed modification reduces the time period allowed by the permit for subtracting the incoming concentrations of furans in the City water supply to K-C from 42 months in the original permit

(four and a half years) to 18 months (three six-month periods over three years), while K-C implements an intensive program to find the sources of furans and takes steps to assure that the bleach plant effluent meets the regulatory limit for furan discharge.

K-C made various changes and, to date, has met the furan limitation under the permit without adjusting for its incoming water supply. K-C hopes to solve the furan discharge problem in the shorter timeframe provided by this permit modification. If more time is needed, K-C may request an extension of the compliance schedule; Ecology would handle any such request as a permit modification, subject to public review and comment--and subject to appeal.

6. Section S1.C - regarding Mixing Zone Descriptions and Dilution Factors (page 7 of the current permit)

Condition S1.C is revised as follows, with Ecology's determination of the dilution factors and any other non-PBTs to be added as a result of the mixing zone study on the recently-completed Outfall 100:

The size and dilution factor are given for outfall 100 (as determined under Special condition S13 below). A dilution zone is established under this permit for dissolved oxygen, temperature, turbidity, fecal coliform, ammonia, copper, zinc and WET.

	Acute mixing zone		Chronic mixing zone	
Outfall #	Distance from diffuser	Dilution Factor	Distance from diffuser	Dilution Factor
100	55 ft	156	550 ft	696

The original permit listed discontinued outfalls and did not contain the information for Outfall 100, which was still under construction. Outfall 100 and the effluent mixing study required by S13 are both now completed, and the blanks in the original permit for the dilution factors will be filled in as noted above. In addition, the permit modification corrects (reduces) the size of the mixing zone, which was misstated in the original permit as 65 feet (acute) and 650 feet (chronic), and identifies the constituents for which a mixing zone is needed at this time under this permit.

7. Section S2.A – sampling frequency for AOX (page 8 of the current permit) needs to be consistent with S1.A above:

Add note or footnote on “Weekly” to “see footnote e of condition S1.A”

To correct the method for calculating compliance with the AOX effluent limitation noted in #4 above.

8. Section S2.A – regarding raw water intake line monitoring (pages 9 and 10 of the current permit)

The monitoring schedule for raw water (last line of page 9 of the current permit) is changed from “Quarterly” to “Monthly” with a reference to footnote 5.

Footnote 5 (on page 10 of the current permit) is revised to read as follows:

Raw water 2,3,7,8-TCDF sampling shall be conducted during the months of May through October for the duration of the compliance schedule on the same day as bleach plant effluent 2,3,7,8-TCDF sampling.

The permit modification clarifies the monitoring procedure for sampling any furans in the incoming raw water supply. The modification makes sure that both the bleach plant and incoming raw water concentrations are sampled the same day. This same-day sampling is required in any month where, due to incoming concentrations, the permittee adjusts concentrations of furans in the bleach plant effluent.

9. **Section S2.B** - regarding Sampling Methods (on page 11 of the current permit)

The conclusion of condition S2.B is revised to read as follows:

...unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department); provided that such otherwise approved analytical method is the equivalent of that found in the guidance cited in this section, or will result in more accurate and representative analytical results, or will have a lower detection limit.

The modification clarifies that any alternate method approved by Ecology will not result in lesser water quality protection.

10. **Section S8** – regarding WET Testing (pages 17-18 of the current permit)

Paragraph 1 of Condition S8.A (page 17 of the current permit) is revised to read:

The Permittee shall conduct acute toxicity testing on the final effluent to determine the presence and amount of acute (lethal) toxicity. Testing shall begin within 180 days after the combined deep water outfall 100 is placed in service. The Permittee will start the effluent characterizations required by this condition at the earliest possible time. The final acute toxicity report shall be submitted to Ecology within one year of starting the sampling program. The two acute toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

The second-to-last paragraph in condition S8.B (currently on page 18) is deleted.

The last sentence of condition S8 which states that the Acute Critical Effluent Concentration (ACEC) must be determined prior to starting the acute toxicity testing is replaced with:

The ACEC equals 0.64% effluent for outfall 100.

The permit modification adds a third sentence to paragraph 1 of S8.A above. The environmental groups requested that K-C start the effluent study as soon as possible, and K-C had planned to start it earlier than required by the permit.

The original permit also contained a sentence that, in the event WET testing failed to meet the effluent limit for acute toxicity, the permittee was automatically deemed to be in compliance during the period the permittee prepared and implemented a toxicity evaluation and reduction plan. The permit and regulations already provide a process for dealing with this situation. For this permit, this sentence was determined to be unnecessary.

Now that the as-built effluent mixing study on Outfall 100 has been completed (see #6 above), Acute Critical Effluent Concentration (ACEC) has been determined based on the 156:1 dilution factor and will be inserted into the permit.

11. Section S9 – regarding WET Testing (page 21 of the current permit)

Paragraph 1 of Condition S9.A (on page 21 of the current permit) is revised to read:

The Permittee shall conduct chronic toxicity testing on the final effluent. The three chronic toxicity tests listed below shall be conducted on each sample taken for effluent characterization. Testing shall begin within 180 days after the combined deep water outfall has been placed in service. The Permittee will start the effluent characterizations required by this condition at the earliest possible time. The CCEC shall be determined within 180 days following the completion of Outfall 100.

The last sentence of condition S9 (page 22 of the current permit) which states that the Chronic Critical Effluent Concentration (CCEC) must be determined prior to starting the acute toxicity testing is replaced with:

The CCEC equals 0.14% effluent for outfall 100.

The permit modification adds a fourth sentence to paragraph 1 of S9.A above. The environmental groups requested that K-C start the effluent study as soon as possible, and K-C had planned to start it earlier than required by the permit.

Now that the as-built effluent mixing study on Outfall 100 has been completed (see #6 above), the Chronic Critical Effluent Concentration (CCEC) has been determined based on the 696:1 dilution factor and will be inserted into the permit. This will allow the permittee to commence the effluent characterization early, as explained in the preceding paragraph.

12. Section S15 – the reference to Outfall 001 is deleted (page (page 28 of the current permit).

Outfall 001 no longer exists

13. Section S16 – regarding Furan Compliance Schedule (insert prior to General Conditions, page 28 of the current permit)

A new Special condition is added to the permit as follows:

S16 COMPLIANCE SCHEDULE FOR 2,3,7,8, TCDF

- A. The Permittee is subject to a compliance schedule to assure compliance with the bleach plant effluent 2,3,7,8-TCDF effluent limitation. During the months of May through October, until the end of the compliance schedule on October 31, 2006, compliance with this effluent limitation may be determined with consideration of netting as described in footnote 2 to Special condition S1.B.
- B. Not later than December 15, 2004, the Permittee shall submit for the Department's review and approval an interim study report. This report shall describe all actions and sampling taken in 2004 with respect to control of 2,3,7,8-TCDF concentrations in bleach plant effluent and the City of Everett industrial water supply. The report shall also set forth additional actions, including any capital improvements or major system modifications to the Permittee's facilities and/or to the City of Everett water supply system, proposed to reliably achieve the effluent limitation without netting. The report shall also include a schedule for such actions as well as a schedule for monitoring to assist in determining the causes of and/or means to address elevated bleach plant 2,3,7,8-TCDF concentrations. The report may include contingency plans. The Permittee shall implement the actions and monitoring as approved by the Department.
- C. Not later than December 15, 2005, the Permittee shall submit for the Department's review and approval an interim study report. This report shall describe all actions and sampling taken in 2005 with respect to control of 2,3,7,8-TCDF concentrations in bleach plant effluent and the City of Everett industrial water supply; state whether each of the action and monitoring items included in the approved December 15, 2004 report have been implemented; and state whether the Permittee is in full compliance with the requirements of this condition. The report shall also set forth additional actions, including any capital improvements or major system modifications to the Permittee's facilities and/or to the City of Everett water supply system, proposed to reliably achieve the effluent limitation without netting. The report shall also include a schedule for such actions as well as a schedule for monitoring to assist in determining the causes of and/or means to address elevated bleach plant 2,3,7,8-TCDF concentrations. The report may include contingency plans. The Permittee shall implement the actions and monitoring as approved by the Department.
- D. Not later than December 15, 2006, the Permittee shall submit to the Department a final report describing all actions and sampling taken in 2006 with respect to control of 2,3,7,8-TCDF concentrations in bleach plant effluent and the City of Everett industrial water supply; stating whether each of the action and monitoring items included in the approved December 15, 2005 report have been implemented; and state whether the Permittee complied with the requirements of this condition and whether the Permittee is in compliance with the 2,3,7,8-TCDF effluent limitation in Special condition S1.A.

This section adds a revised compliance schedule from Order No. DE 03WQIS-5922 into the permit. As noted in #2 and #5 above, additional progress reports are required, and the time period in the permit for which netting out is allowed

has been reduced from 42 months to 18 months, subject to any extension through the public process of a permit modification. When the permit modification is final, Ecology will vacate Order No. DE 03WQIS-5922.

Reasonable potential

Ecology has verified its reasonable potential evaluation for purposes of this permit modification, based on the dilution factors determined by the effluent mixing study (see #6 above). Since the dilution ratios are larger for Outfall 100 than they were for the former outfalls, the reasonable potential analysis performed in writing the fact sheet of the permit issued on December 24, 2003 is more conservative than the original permit, even with the addition of discharges from the Cities of Everett and Marysville.

Notice of Reopening a National Pollutant Discharge Elimination System Permit

FACILITY: *Kimberly Clark Worldwide, Inc.*
2600 Federal Avenue
Everett, Washington

Permit No: WA 000062-1

This facility, an ammonia-based sulfite pulp and paper mill, produces market pulp and tissue paper. The mill's process waste water treatment system includes primary clarification, secondary biological treatment, and secondary clarification. It discharges the treated waste water into Port Gardner Bay.

BACKGROUND ON NPDES PERMIT MODIFICATION:

The Washington State Department of Ecology (Ecology) hereby proposes to modify the NPDES (waste water discharge) Permit issued to the Kimberly Clark mill on December 24, 2003 to implement the settlement among all parties to a permit appeal.

On January 22, 2004, the Washington Toxics Coalition, People for Puget Sound, and WASHPIRG, jointly appealed the Permit. On January 28, 2003, Kimberly-Clark Worldwide, Inc. appealed the permit. On March 29, 2004, the Pollution Control Hearings Board allowed the Puget Soundkeeper Alliance and the Northwest Pulp and Paper Association to join the appeal as intervenors.

On July 30, 2004, the parties to the appeal reached a settlement of all issues, which was filed with the Pollution Control Hearings Board. On August 18, 2004, the Pollution Control Hearings Board issued an order that acknowledged the settlement and dismissed the appeal.

Ecology proposes to incorporate the terms of the settlement into the existing Permit. None of the changes lessen the stringency of the effluent limitations in the original permit.

SUMMARY OF PERMIT MODIFICATIONS:

The proposed permit modifications will:

- Make a number of technical corrections to the permit, such as removing references to former outfalls that have been discontinued, correcting sampling and monitoring provisions, and correcting the calculation of the size of the mixing zone (smaller than in the original permit).
- Revise and incorporate into the permit a compliance schedule for investigating and controlling furan concentrations.
- Fill in the blanks in permit provisions that referred to items "to be determined" by Ecology after the permit was issued, including the results of the effluent mixing study for the newly-completed Outfall 100.

COMMENTS WELCOME:

Ecology invites you to comment on the revised permit sections, detailed in the Fact Sheet Addendum. You may examine the existing and proposed documents at the reference desk of the Everett Public Library located at 2702 Hoyt Avenue. By appointment, read them at Ecology's Industrial Section office (in Lacey at 300 Desmond Drive). Visit our website: <http://www.ecy.wa.gov/industrial/proposed.asp>

Please send your brief comment(s) –any specific concern or recommendation about the proposed revised requirements— to Ecology for receipt by 5:00 pm on Friday, November 5, 2004, to:

Department of Ecology
Don Nelson, Industrial Section
P. O. Box 47706
Olympia, WA 98504-7706

INFORMATION CONTACT:

Please contact Dolores Mitchell at 360/407-6057 or e-mail her at dmit461@ecy.wa.gov to request this information in an alternative format.

RESPONSE TO COMMENTS

COMMENT 1

As the coalition of environmental groups that appealed the original permit, we believe the proposed permit modifications not only greatly improve the permit, but also move the mill closer to the goal of eliminating toxic discharges into Puget Sound. Specifically, we are supportive of the following modifications:

- **Furan Limits and New Compliance Schedule**
We support the reduction of the time period in which Kimberly Clark is allowed to subtract the incoming concentration of furans in the City water supply from its effluent for purposes of determining compliance with the permit limits. Furans are persistent toxic chemicals that do not breakdown in our environment, are toxic in small amounts, and can cause health effects, including cancer, birth defects, and immune system problems. While ultimately the permit should not allow the discharge of any furans, limiting the amount of time Kimberly Clark is allowed to net out furans coupled with the schedule for compliance are good interim steps.
- **No Mixing Zones Allowed For PBTs**
PBTs do not dilute or break down in the environment and are toxic to wildlife and people at low concentrations. Prohibiting PBTs in mixing zones will help to alleviate the damage to the ecosystem and threats to public health posed by these chemicals, and will move us closer to the goal of eliminating PBT discharges into Puget Sound.
- **Increase the sampling frequency for AOX**
We support the changes in the sampling frequency for AOX. This change will help to ensure proper compliance with discharge limits for AOX.
- **Requiring testing of raw water and bleach plant effluent on same day**
Testing both incoming raw water furan concentrations and bleach plant concentrations in the same day is an excellent amendment to the original permit. This change is important to ensure an accurate measurement of furan concentrations being discharged, and will increase our confidence in the reported furan levels as the mill works to comply with furan limits.
- **Revision of the compliance schedule for 2,3,7,8-TCDF effluent limitation**
We approve of the revised compliance schedule for achieving compliance with the permit's furan limits. While we would prefer the practice of netting out to be completely omitted from this permit, we acknowledge that this reduction in the compliance timeframe is a good faith effort to work towards better water quality standards and zero emission.

In addition to the above modifications, we cannot stress how important it is that Kimberly Clark agreed to participate in an evaluation of how switching to totally chlorine-free (TCF) technologies can eliminate toxic discharges. The study is an important first step in moving the mill closer to the ultimate goal of zero toxic discharge from mills. Their

consideration of TCF technology to eliminate chlorine compounds used in the bleaching process is an important first step. We look forward to working with Kimberly Clark and Ecology to evaluate the results of the study of TCF technologies, and to implement the results in the next permit issuance.

Finally, we urge Ecology to work towards safeguarding our water quality under the Clean Water Act by issuing stronger water quality permits and increasing monitoring and enforcement not only of the Kimberly Clark water quality permit, but of all water quality permits. Washington's citizens rely upon Ecology to protect their health and their quality of life from pollution through effective implementation of the Clean Water Act. Ecology has a duty to ensure this occurs.

Thank you for the opportunity to comment and we look forward to working with you in the future.

RESPONSE 1

Ecology agrees that the changes to the permit as a result of the settlement agreement provide a much improved permit.

COMMENT 2

NORTHWEST PULP AND PAPER ASSOCIATION

NWPPA submits these comments for the purpose of seeking clarification of one matter.

The Fact Sheet Addendum, (page 3) Item 6, notes that Section S1.C of the permit, which describes the mixing zone, was revised based on the now-completed effluent mixing study report required by the original permit to specify several constituents identified as "non-PBTs." It is NWPPA's understanding that the descriptive term "non-PBTs" was used in the updated fact sheet to satisfy an informational request and does not represent new policy on the part of Ecology. It would be helpful if Ecology confirmed (as in the original fact sheet and responses to comments) that the permittee is granted a mixing zone because Ecology determined the discharge meets the mixing zone criteria in the water quality regulations.

NWPPA seeks this clarification because at this time Ecology is engaging in a rulemaking effort, which is independent of this permit modification, to establish a process for defining PBTs and the purpose of the list. Consequently this permit modification proceeding cannot pre-suppose the definitions of PBTs (or non-PBTs) or the uses of the list that may be the product of the rulemaking effort.

RESPONSE 2

The term "non-PBTs" comes from the settlement agreement and is used to describe the physical characteristics and chemical constituents covered by the dilution zone in this permit only; it is not agency policy. The basis for the dilution zone, and consequently for the dilution factors in the modified KCWW's NPDES Permit, is WAC 173-201A-100.